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SUMMARY RECORD OF THE 26th MEETING

Chairman:	Mr. SENGWE	(Zimbabwe)
later:	Mr. STEIN (Vice-Chairman)	(Germany)
later:	Mr. SENGWE (Chairman)	(Zimbabwe)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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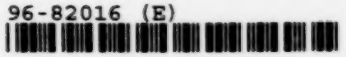

The meeting was called to order at 3.10 p.m.

AGENDA ITEM 111: FINANCIAL REPORTS AND AUDITED FINANCIAL STATEMENTS, AND REPORTS OF THE BOARD OF AUDITORS (continued) (A/49/368 and A/49/943; A/50/985; A/51/5 (Vols. I-IV), A/51/5/Add.1-10, A/51/283, A/51/488 and Add.1, A/51/523 and A/51/533; A/C.5/50/51)

1. Mr. LOZINSKI (Russian Federation) said that his delegation was encouraged that the work of the Board of Auditors was yielding ever-increasing practical results from one year to the next. However, it noted with regret the delayed submission of a number of documents. Timely reporting and submission of documentation were of paramount importance to the implementation of the Board's recommendations, and a clear procedure was needed to take into account those recommendations in the United Nations as well as in the audited funds and programmes.

2. His delegation welcomed the extensive coverage in the Board's reports of procurement, an area in which current Secretariat policy left much to be desired. The practice of awarding contracts on an ex post facto basis (A/51/5, vol. I, para. 96) gave cause for concern; such contracts should be reduced to a minimum and granted only in exceptional circumstances. It was clear from paragraph 93 that the requirement to ensure that suppliers from as wide a geographical base as possible were registered on the vendor roster was not being taken into account in awarding contracts. Numerous examples of violations of letter-of-assist provisions, overvalued equipment purchase contracts for peace-keeping operations, unjustified commitments on the part of suppliers and too broad an interpretation of the immediate operational requirement procedure confirmed the need for urgent reform of procurement activities. The conclusions and recommendations of the Board and of the Advisory Committee must be fully taken into account.

3. His delegation supported the Board's comments (A/51/5, vol. I, paras. 155-189) and the Advisory Committee's view (A/51/533, para. 31) with regard to the use of consultants. The current practice of engaging consultants needed to be substantially overhauled so as to reduce its scale drastically and broaden the geographical base and the transparency and objectiveness of the selection process. The information presented to the Committee by the Controller about staff engaged on the basis of special service agreements only confirmed that view. His delegation also supported the Advisory Committee's recommendation regarding a biennial report on the engagement and use of consultants indicating their number, duration of service, salaries and nationality (A/51/533, para. 44).

4. With regard to the preparation of the budget, budgetary assumptions and budget performance reports (A/51/5, vol. I, paras. 107-123), his delegation believed that the fundamental point was to ensure that Secretariat practices accorded with the basic framework of the United Nations budgetary process as set forth in General Assembly resolution 41/213. It welcomed the Board's recommendation, in paragraph 123, for improving budget performance reports.

5. His delegation was concerned about the Board's qualified opinion regarding the accounts of four implementing and executing agencies and shared the Advisory Committee's view on the issue (A/51/533, para. 23). It was clear that the process for selecting implementing and executing partners needed radical improvement, that reporting procedures must be further streamlined, and that resources for internal audit were insufficient. The trend of expenditure exceeding real income in a number of cases was also disturbing. On the whole, his delegation supported the Advisory Committee's recommendation (A/51/533, para. 28) that United Nations entities should establish standards as to what national Governments should have in terms of capacity.

6. His delegation felt that particular attention should be paid to planning and monitoring programme management and implementation in order to ensure the personal responsibility and accountability of all staff at all levels in the performance of their duties. As the Advisory Committee pointed out (A/51/533, para. 29), the control of disciplinary actions should be the prerogative of the Secretary-General and of the executive heads concerned.

7. His delegation welcomed the cooperation in control and oversight activities between the Board of Auditors, the Office of Internal Oversight Services and the Joint Inspection Unit, which should substantially enhance their efficiency throughout the United Nations system. It supported the Board's view that the term of office of Board members should be extended to six years.

AGENDA ITEM 141: REPORT OF THE SECRETARY-GENERAL ON THE ACTIVITIES OF THE OFFICE OF INTERNAL OVERSIGHT SERVICES (A/50/945, A/50/1004 and A/50/1005; A/51/302, A/51/305, A/51/432, A/51/467, A/51/486 and A/51/530 and Corr.1)

8. Mr. PASCHKE (Under-Secretary-General for Internal Oversight Services) said that the comprehensive report on the activities of the Office of Internal Oversight Services for the period from 1 July 1995 to 30 June 1996 (A/51/432) showed that the Office had made significant progress in providing the United Nations with an independent, effective and credible internal oversight mechanism, pursuant to the provisions of General Assembly resolution 48/218 B. It had developed an appropriate structure and set of procedures, and was coordinating its efforts with those of the Board of Auditors and the Joint Inspection Unit (JIU), gradually overcoming managers' reluctance to accept critical internal oversight and gaining acceptance as a partner in efforts to improve the Organization's performance.

9. One of the most important steps taken to make oversight more effective was the establishment of a monitoring system to follow up on the Office's recommendations until they were fully implemented. In chapter I of the report, the estimate of $18.7 million in cost savings during the reporting period was very conservative, since the Office's real success lay in its impact as a preventive as well as proactive component of the Organization's management culture. Chapter II indicated that peacekeeping missions, humanitarian activities and procurement had been priority areas for oversight, as in the previous reporting period, and that problems in establishing new United Nations bodies had been addressed as an additional priority during the period covered by the report. Chapter III contained summaries of the Office's major activities by oversight function; of special interest was the description of the

Investigations Section and of how that new component of the Office was perceived by the Organization and its staff.

10. Because the Office of Internal Oversight Services was new and was still in its first budget biennium, its needs assessment had been too conservative in some areas. For example, the unprecedented need for investigators to travel to operations away from Headquarters had resulted in a critical shortage of travel funds, which had significantly impacted the Office's work programme for 1996 and would continue to be felt in 1997. Moreover, additional human resources were needed for audit and investigation functions. He hoped that the Fifth Committee would concur with the Secretary-General's view that the Office was increasingly making a distinct contribution to the overall management and organizational reform effort (A/51/432, para. 4).

11. In addition to its annual report, the Office had issued, since 1 July 1995, reports on its comprehensive audit of procurement for technical cooperation projects handled by the Department for Development Support and Management Services (A/50/945), its management audit of the electronic mail system at the Secretariat (A/50/1005) and its review of the global cargo and motor vehicle insurance programmes of the United Nations (A/51/302), all of which contained recommendations which had been accepted and were being implemented. The Office had also issued reports on the alleged misappropriation of United Nations assets at the United Nations Gift Centre (A/50/1004), its investigation of the United Nations Access Control System (A/51/467) and its inquiry into seminars held by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/51/486), the recommendations of which had not yet been implemented.

12. Mr. OTHMAN (Vice-Chairman, Joint Inspection Unit) said that JIU had recently met with the Under-Secretary-General for Internal Oversight Services to discuss the scope of their respective activities and coordination between their programmes of work, as well as the role of the Office of Internal Oversight Services in ensuring compliance with the approved recommendations of external oversight bodies. Naturally, those issues were governed by the different mandates of JIU, which was an external system-wide oversight body, and the Office, which was an internal United Nations oversight body. He trusted that continued exchanges of information and coordination efforts would result in synergy, rather than duplication, in the work of the two entities.

13. Pursuant to paragraph 5 (e) (iii) of General Assembly resolution 48/218 B, the Unit had prepared comments on 11 of the Office's reports (A/51/530 and Corr.1), the remaining reports not having been received in time for consideration in that document. In most cases, JIU supported the approach, conclusions and recommendations of those reports. In the case of some reports, such as those on the United Nations Conference on Trade and Development (UNCTAD), peacekeeping and evaluation, JIU had pointed out factors which the Office had not considered, and had put forward some additional conclusions and recommendations. In other cases, such as that of procurement handled by the Department for Development Support and Management, JIU believed that the departments dealt with in the reports should have been held more accountable for the Office's findings and recommendations. Moreover, some of the issues discussed, such as electronic mail, global cargo and motor vehicle insurance

programmes and the alleged misappropriation of assets in the Gift Centre, could be dealt with more specifically in further reports. In the future, JIU would continue to ensure that its work complemented, instead of duplicating, the work of the Office and other oversight bodies. Currently, JIU was preparing a report on coordination and harmonization of the work of oversight bodies, for submission to the General Assembly at its fifty-second session.

AGENDA ITEM 114: PROGRAMME PLANNING (continued)

Proposed medium-term plan for the period 1998-2001 (continued) (A/51/6 and A/51/16 (Parts I and II))

Programme 6. Africa: New Agenda for Development
Programme 14. Economic and social development in Africa

14. Mr. MPAY (Cameroon), speaking on behalf of the African Group, said that the decision taken at the fiftieth session regarding the new format of the medium-term plan was a most important step towards implementing the Secretary-General's new system of accountability and responsibility. Unfortunately, the Perspective (A/51/6 (Perspective)) did not take into account the interests of all Member States, particularly developing countries, or give sufficient weight to the role of the Organization in economic and social development. The role of the Organization must not be selective but should reflect the interests of the entire membership. The African Group therefore welcomed document A/51/6 (Note) and hoped that it would be included as an integral part of the proposed medium-term plan. It was the understanding of the African Group that the priorities proposed in the Note would have equal status and were not listed according to any order of priority. The African Group could not join in any consensus adoption of the medium-term plan without the adoption of an introduction outlining the priorities of the United Nations.

15. With regard to programme 6: Africa: New Agenda for Development, and programme 14: Economic and social development in Africa, the African Group noted with appreciation the priority status assigned to Africa by the General Assembly and the Secretary-General's proposal to include the development of Africa among the priorities of the 1998-2001 medium-term plan. While the socio-economic development of Africa was the primary responsibility of that continent, the increasing trend towards globalization and the interdependence of economies led Africa to expect partnership and shared responsibility. No nation, no matter how powerful, rich or developed, could afford to treat with contempt the plight of any nation or continent; it was a question of enlightened self-interest.

16. Despite the various initiatives taken, real concerted and committed efforts were yet to be made to ensure durable and self-sustaining economic recovery for Africa. The African Group regarded the 1980s as a lost development decade, despite the United Nations Programme of Action for African Economic Recovery and Development 1986-1990. The United Nations New Agenda for the Development of Africa in the 1990s represented an agreement between African States and the international community to accelerate the development process of Africa. It clearly spelt out the commitment of the international community to provide adequate resource flows to Africa so as to achieve the agreed set of quantitative targets. The mid-term review in September 1996 had revealed that

the estimated resource mobilization level was still far from being attained and the key development goals had yet to be met. In the implementation of the New Agenda during the plan period, therefore, the issues of mobilization of financial resources, transfer of technology and external debt must be highlighted in the programme narrative as central issues. The New Agenda remained a basic mandate for African economic and social development and any other action programmes merely translated it into action in operational terms.

17. The African Group welcomed the outcome of the Tokyo Conference on Development Strategy and the Bandung Conference and appreciated the growing interest of Japan in the problems of the continent, an interest which it had consistently and steadily demonstrated within the United Nations system.

18. While agreeing with the conclusions and recommendations of the Committee for Programme and Coordination (CPC) as set forth in paragraphs 81 and 155 of its report (A/51/16, Part II), the African Group hoped that performance indicators or benchmarks would be incorporated in each of the subprogrammes.

Programme 11. Human settlements

19. Mr. TAKASU (Controller) said that the revised text of programme 11 (A/51/6/Prog.11/Rev.1) reflected the global plan of action, known as the Habitat Agenda, adopted in June 1996 at the United Nations Conference on Human Settlements (Habitat II). The revisions had been recommended by CPC and represented an attempt to reflect faithfully the integrated approach agreed upon by the international community. The programme was divided into four subprogrammes which focused on four key areas: shelter and social services (to address the shortages that were constraining human, economic and social development), urban management (to help developing countries to build their management capacity in the area of urban settlement), environment and infrastructure (to ensure environmentally sound development through integrated human settlement policies on both rural and urban areas) and assessment and monitoring (to evaluate the impact of policies and actions on the provision of adequate shelter and the achievement of sustainable human settlements development).

20. Mr. KELLY (Ireland), speaking on behalf of the members of the European Union and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Malta, Norway, Poland, Romania and Slovenia, which also endorsed his delegation's comments on programmes 5 to 10, said that his delegation would carefully examine the revised text of programme 11 to ensure that it reflected the consensus reached at Habitat II and was consistent with the implementation of the outcome of that Conference.

21. Mr. Stein (Germany), Vice-Chairman, took the Chair.

22. Ms. PEÑA (Mexico) said she hoped that delegations would have a subsequent opportunity to comment on programme 11, since her delegation had received the revised text very recently and had not yet reviewed it. She appreciated the Secretariat's efforts to respond promptly to the recommendations of CPC and hoped that the new text reflected the consensus reached at Habitat II.

23. Mr. ALOM (Bangladesh) agreed that it was premature to comment on the revised text of programme 11 and said that his delegation would have no objection to the text if it reflected the decisions taken at Habitat II.

24. Ms. BUERGO RODRÍGUEZ (Cuba) said that her delegation also felt that more time was needed to consider the revised text of programme 11, particularly since comments by the Second Committee were awaited.

25. The CHAIRMAN said that, although delegations had little time to comment on the revised text, the Committee should try to conclude its consideration of agenda item 114 according to schedule.

Programme 12. Crime prevention and criminal justice
Programme 13. International drug control

26. The CHAIRMAN drew attention to paragraphs 139 and 148 of the report of CPC (A/51/16 (Part II)) recommending approval by the General Assembly of programmes 12 and 13, subject to a number of modifications.

27. Mr. KELLY (Ireland), speaking on behalf of the European Union and Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, said that those countries fully supported the proposed programme of work for the Crime Prevention and Criminal Justice Division outlined in programme 12 but felt that the Commission on Crime Prevention and Criminal Justice, in particular, should refocus on the overall priorities of the programme as originally set out in resolution 1/1 of 1992. From the operational point of view there was a need for greater coordination between programmes 12 and 13, particularly in the area of money laundering. It was also essential to continue and strengthen cooperation between the United Nations International Drug Control Programme (UNDCP) and the Crime Prevention and Criminal Justice Division, and between the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice, in the fight against money laundering. In due course, consideration could be given to developing, or assigning to a joint unit, responsibility for dealing for money-laundering activities.

28. The European Union believed that a particular priority for the Crime Prevention and Criminal Justice Division must be to achieve further progress in the effective implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime. With regard to the definition of transnational crimes in paragraph 12.3 (c), its understanding was that the definition would cover such acts as commercial sexual exploitation of children and trafficking in women and girls. The European Union believed that the capacity-building objective as laid down in paragraph 12.3 (b) was particularly important in the case of countries emerging from a conflict situation, as had been highlighted by recent experiences acquired from the United Nations peacekeeping operations.

29. With regard to programme 13, the European Union had made it clear that it regarded the fight against drugs as a major priority of its internal and international action. It therefore considered that the efforts of UNDCP in stimulating and coordinating anti-drug initiatives at the international level, including the coordination of activities undertaken by different parts of the

United Nations system, were crucial in achieving its own goals. It stressed the importance of an integrated approach to the problem covering drug production, trafficking and demand reduction.

30. Mr. NOUR (Egypt) said that his delegation attached particular importance to programmes 12 and 13 and supported paragraphs 139 and 148 of Part II of the report of CPC, taking into account, in addition, the comments made on behalf of the Group of 77 and China on those two programmes in the Third Committee.

31. Ms. PEÑA (Mexico) said her delegation endorsed the recommendations by CPC and felt that they should be included in the draft resolution on programmes 12 and 13.

32. She was surprised that statements made by delegations in the Second and Third Committees were being circulated to the Committee in the original languages, despite the adoption of General Assembly resolution 50/11 on multilingualism.

33. Ms. BUERGO RODRÍGUEZ (Cuba) said that her delegation attached great importance to programmes 12 and 13 and supported the comments made by CPC.

34. She endorsed the comments made by the representative of Mexico about the documents received from the Second, Third and also the First Committees.

35. The CHAIRMAN said that if the Committee had to wait for the documents received from other Main Committees to be issued as official documents in all languages, its work on agenda item 114 would be greatly delayed.

36. Ms. INCERA (Costa Rica) and Mr. TOYA (Japan) said that they supported the recommendations of CPC on programmes 12 and 13.

Programme 19. Human rights

37. The CHAIRMAN drew attention to paragraph 200 of the report of CPC (A/51/16 (Part VI)) whereby CPC took note of programme 19 and recommended that the General Assembly consider the programme, taking into account, inter alia, the views expressed and amendments proposed by Member States as reflected in the report.

38. Mr. IRAGORRI (Colombia) said that the members of the Non-Aligned Movement welcomed the inclusion in programme 19 of a subprogramme on the right to development. However, they would have preferred it if the subprogramme had been devoted exclusively to the right to development, rather than including research and analysis as well. He asked what proportion of the subprogramme would be devoted to the right to development and what proportion to research and analysis.

39. The members of the Non-Aligned Movement felt that the formulation of paragraph 19.3 (b) needed to be more precise and to expressly mention bodies in the United Nations system which had exclusive competence in the area of human rights. In paragraph 19.3 (j), peacekeeping and humanitarian operations, being separate activities, must be clearly differentiated.

40. Mr. Sengwe (Zimbabwe) resumed the Chair.

41. Ms. MONTAÑO-DURÁN (Bolivia) said that the countries of the Rio Group supported the promotion and protection of all human rights. Appropriate human rights machinery should be established to enable United Nations human rights bodies to act in accordance with General Assembly resolution 48/141. Her delegation also appreciated the efforts of the United Nations High Commissioner for Human Rights to ensure that the Organization could respond more effectively to future challenges in the field of human rights. The members of the Rio Group agreed that all human rights were universal, indivisible, interdependent and interrelated. Moreover, the right to development was a universal, inalienable and integral component of fundamental human rights.

42. Mr. KELLY (Ireland), speaking on behalf of the European Union and associated countries, said that the purpose of the medium-term plan was to ensure that proposed activities of the United Nations system were in accordance with the decisions and priorities already established by the Member States. It should not serve as a pretext for revisiting those decisions.

43. Programme 19, as drafted, reflected all relevant mandates including the results of the restructuring exercise which the United Nations High Commissioner for Refugees had carried out. The three subprogrammes corresponded to the new organizational structure of the Centre for Human Rights, which provided for an efficient and coherent division of responsibilities within the Centre. The European Union was satisfied that the restructuring fell entirely within the competence of the High Commissioner and the provisions of General Assembly resolution 50/214.

44. His delegation believed that the mandates of the High Commissioner and the Centre for Human Rights, and the decisions of the General Assembly and other policy-making bodies, were fully and accurately reflected in programme 19. The European Union would therefore fully support the programme as drafted and believed that it should be adopted unchanged by the General Assembly. Moreover, the European Union believed that all necessary measures should be taken to ensure that the Centre for Human Rights was provided with sufficient means to enable it to carry out its functions adequately, in conformity with its mandates.

45. Ms. PEÑA (Mexico) said that her delegation was concerned that CPC had failed to provide any recommendations or conclusions on programme 19 because of divergent views on the text of the programme.

46. Her delegation acknowledged the efforts of the High Commissioner for Refugees in elaborating the text currently before the Committee, and wished to reiterate its commitment to the decisions adopted by the World Conference on Human Rights concerning all human rights. Her Government believed that the right to development was a universal, inalienable and integral part of fundamental human rights.

47. Mr. AZLAN (Malaysia), endorsing the position of the Non-Aligned Movement, said that programmes must be in line with the Vienna Declaration and Programme of Action, the Charter of the United Nations and the Universal Declaration of

Human Rights. Moreover, programme activities should be carried out within the framework of the overall competence and authority of the Secretary-General. The restructured Centre for Human Rights appeared to have departed somewhat from those considerations, resulting in the marginalization of certain mandated activities approved by the relevant intergovernmental bodies. All mandated activities should be faithfully carried out. In addition, all funds approved under the regular budget or by way of voluntary contributions should be used exclusively for mandated activities; they should not be used for activities which did not have the approval of the relevant intergovernmental bodies.

48. There should be a programmatic approach to organizing work on programmes relating to the right to development. Staff recruited or assigned to that field should have competence in development issues, particularly in the social and economic fields.

49. Advisory services and technical cooperation should not be merged with fact-finding procedures and field activities, as stipulated in subprogramme 19.3. The combination of those two sets of activities would lead to all kinds of abuses and undermine respect for the sovereignty and territorial integrity of States.

50. Mr. REYES RODRÍGUEZ (Cuba), endorsing the position of the Non-Aligned Movement, said that programme 19 in its current form was less than perfect. The programme would require a number of amendments prior to its adoption, and his delegation would like to receive input and corrections from human rights bodies.

51. Referring to document A/51/6 (Prog. 19), he said that the last sentence of paragraph 19.1 should be deleted because the principles to which it referred were not exhaustive. If delegations wished to preserve the paragraph as it stood, the list of principles governing the promotion and protection of human rights as established in the Vienna Declaration should be included in its entirety.

52. Paragraph 19.3, subparagraph (c), should specify exactly which bodies were being referred to in connection with system-wide human rights cooperation and coordination. Mention should also be made of their mandates.

53. His delegation believed that paragraph 19.3, subparagraph (j), was inappropriate and should be deleted. The Vienna Declaration and Programme of Action should be mentioned in a paragraph indicating the advantages of the human rights machinery with respect to peace-keeping operations. But for the time being his Government did not believe that peace-keeping and humanitarian operations should be included among general objectives, although there were sufficient grounds for including them among the general principles underlying the programmatic activities of the United Nations.

54. With regard to paragraph 19.3, subparagraph (m), the current wording was inconsistent with existing legislation regarding the participation of non-governmental organizations in United Nations activities. The subparagraph should be redrafted to comply strictly with Economic and Social Council resolution 1996/31, which clarified the mandate of non-governmental organizations within the United Nations system.

55. With reference to the subprogrammes, his delegation wondered why it was necessary to limit their number to just three. He reminded the Committee that General Assembly resolution 50/214 had stipulated the establishment of a new branch of human rights activities, the primary responsibility of which would be the promotion and protection of the right to development. A number of United Nations activities had been lumped together in the redesign of subprogramme 19.1. The Centre for Human Rights should act as the focal point for all those issues. A new subprogramme should be established to achieve better balance between subprogramme 9.1 and other important work being carried out in the United Nations system with a view to protecting minorities and preventing discrimination against vulnerable groups. In addition, a separate subprogramme devoted to the right to development would reflect the importance which Member States had attached to the issue when they adopted resolution 50/214.

56. His delegation was puzzled as to why subprogramme 19.2 dealt separately with issues which former programme 35 had dealt with together. He proposed that paragraph 19.9 of document A/51/6 (Prog. 19) should be placed under subprogramme 19.2. Support for human rights bodies and organs should be placed under subprogramme 19.2. Support for human rights bodies and organs should logically be dealt with under a single subprogramme. In subprogramme 19.3, his delegation could not agree to fact-finding procedures being included with other procedures as described in paragraph 19.9. Furthermore it was not right to consider absolutely everything to do with working groups, expert groups and special rapporteurs under the proposed heading of subprogramme 19.3. Nevertheless, all due attention should be devoted to the last subprogramme, since it aimed to encourage education on the subject of human rights, which was a priority issue for developing countries.

57. Mr. PÁLIZ (Ecuador), endorsing the position of the Rio Group, said that his Government firmly supported the promotion and protection of human rights throughout the world. Achieving the right to development was one of the toughest challenges facing the international community. In that connection his delegation was particularly pleased that the Secretary-General had included among the Organization's future priorities the closely related themes of promotion of sustainable development in developing countries and promotion of human rights. Member States had been urged to provide support for the machinery created by the General Assembly for the promotion and protection of human rights. Those mechanisms should have the appropriate structures and necessary resources to attain their objectives. The adoption of programme 19 was therefore a priority for his delegation.

58. Mr. NOUR (Egypt), endorsing the position of the Non-Aligned Movement, said it was very surprising that the members of the Fifth Committee were being asked to examine a human rights programme whose structure had not been agreed to by the United Nations bodies directly involved with human rights, namely the General Assembly, the Economic and Social Council and the Commission on Human Rights. He wondered how those bodies could assume their responsibilities when nobody had sought their opinions regarding the instruments and mechanisms through which their decisions would be enacted.

59. The United Nations High Commissioner for Human Rights did not function in a vacuum. He operated within the framework of the Charter and assumed his

responsibilities in the legislative context provided by the organs of the United Nations. It was astonishing that the Centre for Human Rights had been restructured without taking account of the competence of the High Commissioner. The restructuring had not been carried out in a transparent manner. The new structure had been imposed on Member States, thus constituting a serious precedent with regard to the planning and execution of programmes.

60. General Assembly resolution 50/214 had mandated the establishment of a new branch of human rights activities pertaining to the right to development. His delegation wished to know how far the proposed structure conformed to what the resolution actually called for. Specifically, he wondered whether the proposed structure was in accordance with the desires of the majority of Member States, which attached great importance to the right to development.

61. There was also a contradiction between the proposed activities of research and analysis which could impact negatively on certain countries' right to development. It was important to draw a distinction between advisory and technical services on the one hand and special measures and oversight activities on the other. The proposal to lump everything together in a single unit might serve to validate such an amalgamation, whether or not it was actually legitimate, thereby offending the political sensitivities of certain Member States.

AGENDA ITEM 120: HUMAN RESOURCES MANAGEMENT (continued) (A/51/304 and Corr.1, A/51/421 and Corr.1; A/C.5/49/63 and A/C.5/49/64; A/C.5/50/64; A/C.5/51/1, A/C.5/51/3, A/C.5/51/6 and A/C.5/51/7)

62. Mr. HALLIDAY (Assistant Secretary-General for Human Resources Management), responding to previous questions raised by delegations, said that the practice of holding ad hoc P-2 examinations had been instituted to correct the short-term hiring practices delegated to departments and because it was considered in the best interests of the Organization to examine certain individuals on a very limited basis. Such examinations had been part of the effort to halt the problematic practice of short-term recruitment and were regarded as a pragmatic approach to retaining highly qualified individuals while respecting the value and integrity of the competitive examination process. In addition, the practice blended well with efforts to improve the accountability of programme managers in respect of General Assembly resolutions and the Staff Regulations. In the light of the recent financial problems and the limited employment opportunities available, resort to ad hoc examinations had been discontinued. Consequently any person currently encumbering a P-2 or P-3 post who had not passed a national competitive examination or a General Service to Professional examination would have to be separated at the end of their existing fixed-term contract.

63. Regarding recruitment freezes, he distinguished between freezes introduced by programme managers and freezes implemented by the Department of Administration and Management. In the former case, programme managers had frozen those posts and functions which, in their view, could be frozen without diminishing the capacity of their department to respond to General Assembly mandates and programmes. In the latter case, the Department of Administration and Management had issued various guidelines during the cash-flow crisis of late 1995 in respect of freezing external recruitment, halting extensions beyond the

60-year retirement age and the early separation of programmes. External intake had been limited to graduates of the national competitive examinations and language examinations. He believed that the two approaches were compatible and complementary with the human-resources freeze intended to facilitate implementation of the budgetary cost-reduction measures.

64. He confirmed that no involuntary separations had taken place as a result of General Assembly resolutions 50/214 and 50/215 and clarified that the three mission returnees cited in a query about downsizing and its impact on programmes were currently at work. His Office was attempting to manage an informal transition system without the full financial resources or flexibility at the disposal of many national foreign-service human-resources management systems. On the topic of staff members winning cases brought before the Joint Appeals Board, he said that it would not be feasible to respond to questions from delegations without going into the details of individual cases. Such comments would be improper, especially if a case was currently under formal consideration.

65. On the issue of promotions raised by the representative of Uganda, he was unaware of any cases in which staff had been denied promotion to enable the Secretary-General to recruit less competent external candidates. Only when in-house expertise was not available did the Secretariat have recourse to external candidates. With regard to the need for regional balance within the Secretariat staff, the current staff population did reflect that balance.

66. Concerning the personnel issues raised by the Cuban delegation, some of the replies were contained in administrative instruction ST/AI/415. He wished to add, however, that staff who had been sent on mission abroad were given preference upon their return for filling suitable established posts. The 1996-1997 post-classification exercise to which the representative of Cuba had also referred was linked not to individuals but to the functional requirements of the posts in question. Vacancy announcements were made in the normal way and the vacancies filled through the normal appointments and promotion machinery of the Secretariat. He wished to make it quite clear that the redeployment exercise was driven only by the need for downsizing and that the related decisions of department heads were made on the basis of the criteria set out in the annexes to administrative circular ST/AI/415, which were designed to ensure that the best staff were retained. The failure to find posts for competent staff members should therefore be attributed solely to the current budgetary constraints and not to the shortcomings of the individuals concerned.

67. Turning to the allegations of racial discrimination within the Secretariat to which the representative of Uganda had alluded, the Secretariat had taken note of media reports on the perception by some staff that racial discrimination existed within the Organization itself. It had issued a detailed statement to the press in which it had conceded that the Organization had mounted a programme to aggressively promote women, which had resulted in a 35 per cent placement of females in professional positions, but it had strongly denied that promotions were made on the basis of race. United Nations personnel records did not include any reference to race, ethnic background or religion. In any event, formal appeals machinery existed for staff who believed that they were victims of such discrimination, including recourse to the Office of Internal Oversight

Services. While the Organization's management had not been apprised of any such claims, it was prepared to deal with the perception that discrimination might indeed exist. To that end, a questionnaire would shortly be distributed to staff at all duty stations seeking their views on whether or not discrimination existed in the Organization and the mechanisms that could be put in place to combat it. Respondents would remain anonymous but management would be willing to provide the Committee with copies of the questionnaire if members so desired.

68. The CHAIRMAN said that the replies just given by the Assistant Secretary-General for Human Resources Management brought back memories to those who had been victims of apartheid and racial discrimination. He hoped that the United Nations, the midwife which had overseen the demise of apartheid, was not now itself guilty of racial discrimination. Where there was smoke there was usually fire, and the allegations made should therefore be thoroughly examined in order to remove any lingering doubts about the commitment of the Organization to the elimination of racial discrimination.

69. Ms. BUERGO RODRÍGUEZ (Cuba) thanked the Chairman for his handling of the debate on a matter to which the Cuban delegation attached great importance. In order to speed up the Committee's work, it might be better to continue the discussion later in informal consultations, particularly since the Committee was still awaiting the Sixth Committee's report on the reform of the internal system of justice in the United Nations Secretariat. It would also be useful if the representatives of the staff could be given the opportunity in a formal meeting to present to the Committee their views on the current relations between staff and management.

70. Mr. STÖCKL (Germany) agreed with the representative of Cuba that the debate should be continued in an informal meeting, where it would be helpful to have an organizational chart of the Secretariat showing the distribution of posts in the different departments.

71. Ms. CARDOZE (Panama) and Ms. INCERA (Costa Rica) supported the Cuban suggestion that the representatives of the staff should be invited to present their views to the Committee.

72. Mr. NOUR (Egypt) sought clarification as to whether the general debate on the item would be suspended pending receipt of the Sixth Committee's report on the reform of the internal system of justice in the United Nations Secretariat.

73. Mr. HANSON (Canada), supported by Mr. REPASCH (United States of America), said that, since the normal practice was for the representatives of Member States to deal with the Secretary-General and his representatives, he would welcome the views of the Chair on how to implement the Cuban suggestion.

74. The CHAIRMAN invited the views of members on that subject.

75. Mr. MOKTEFI (Algeria) said he agreed with the representative of Cuba that the Committee should benefit from the views of the staff representatives in its consideration of the item. Concerning the procedure to be used, he suggested that the staff representatives could be asked to address the Committee as observers, as was normally done during the debate on the common system.

76. Ms. BUERGO RODRÍGUEZ (Cuba) said that inviting the representatives of the staff to present their views in a formal meeting did not mean that the debate on the item in informal consultations should be discontinued. While she supported the suggestion made by Algeria, it should be left to the Bureau to determine what procedure should be followed.

77. Mr. SULAIMAN (Syrian Arab Republic) said that it was important for the Committee to learn firsthand about the current relations between staff and management. It was equally important to discuss the issue of the reform of the internal system of justice. In that connection, he noted that the Advisory Committee on Administrative and Budgetary Questions had not yet received replies from the Secretariat to its questions concerning the procedures for carrying out the reforms in question. He welcomed the proposal put forward by the Assistant Secretary-General for Human Resources Management to hold a referendum among staff in order to obtain a clear picture of the staff's evaluation of management.

78. Mr. STÖCKL (Germany) said that it was for the Bureau to decide how to accommodate the interest expressed by delegations in hearing the views of the staff representatives.

79. Mr. HALLIDAY (Assistant Secretary-General for Human Resources Management) said that the Secretariat would welcome the views of staff on the reform of the internal system of justice. On the question of staff/management relations, he agreed that it would be appropriate to give the representatives of the staff an opportunity to address the Committee.

80. Ms. BUERGO RODRÍGUEZ (Cuba) said that, prior to the informal consultations on the item, her delegation would welcome information on the proportion of staff holding fixed-term and permanent contracts, respectively, in each department.

81. The CHAIRMAN said that the Committee would suspend its general discussion on the agenda item pending receipt of the report of the Sixth Committee on the reform of the internal system of justice in the United Nations Secretariat.

The meeting rose at 6.05 p.m.